Heralds' College

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Coats-of-Arms,

REGARDED FROM A LEGAL ASPECT.

SECOND EDITION: REVISED.

BY

W. P. W. PHILLIMORE, M.A., B.C.L.

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NOTE.

The interest taken in the legal aspect of Heraldry and the use of Coats-of-Arms, here presented as concisely as possible, necessitates a Second Edition within three months of the publication of the First. The opportunity has, therefore, been taken to carefully revise the pamphlet throughout.

HERALDS' COLLEGE

AND

COATS-OF-ARMS,

REGARDED FROM A LEGAL ASPECT.

IF we may judge from the voluminous correspondence, often very acrimonious, concerning coats-of-arms and the right to bear them, which from time to time appears in the newspapers, it is evident that the science of heraldry, effete and obsolete though some may think it, still, in certain ranks of life, excites no little interest. Such correspondence may be mostly classed under two heads, letters from genuinely armigerous persons who feel aggrieved at the number of bogus coats-of-arms which are in existence, and letters from the users of such bogus coats, which generally resolve themselves into attacks upon the officers of arms and the College, often it is to be feared originating merely in some petty personal grievance.

It may be worth while, therefore, to consider the origin of coat-armour, and the right to bear it in relation to the officers and College of Arms.

Armorial bearings, or coats-of-arms, in their origin are clearly of a military character, but for many centuries past they have been distinctly a civilian honour. Great uncertainty attaches to the early beginnings of heraldry ; it cannot be regarded even as a settled point,

whether arms could be assumed by soldiers in the King's army without any specific authorization, or whether the King's own approval, exercised directly, or through his officers of arms, was requisite. Certain it is, however, that the regulation of such matters was very early taken to be a matter of honour, and therefore to be dealt with by the royal prerogative, as the well-known case of Scrope *v.* Grosvenor, settled by King Richard II in person, over 500 years ago, amply proves.

The absence of any definite code or set of rules in early times respecting armory is a clear indication that the law on the subject is wholely analogous to the common law, *i.e.*, it rests, not on statute, but on very ancient and long usage, continued down to the present time, without, as far as we know, any break or interruption whatever. Indeed it is not a little remarkable that even the turbulent period of the great rebellion saw no disturbance of the officers of arms, who pursued the duties of their office with perfect equanimity under Cromwell and Charles alike.

There is apparently no existing document which can be cited wherein are set out the precise functions of the kings, heralds and pursuivants of arms. The charter of King Richard III, granted in 1483, to the then Garter and his fellow officers, which many, in error, have assumed to be the authority for their powers, is merely a document forming them into a body corporate with seal and perpetual succession, with liberty to meet together for the purpose of transacting the business of their faculty. It is merely an incident in their history ; and in fact this particular charter is but an example of the policy of that period, under which it became customary to grant charters to city companies, forming

them into bodies corporate. It is well to remember that in Scotland and Ireland the kings of arms and their colleagues still remain unincorporated.

The practice and law of heraldry in England has therefore to be gathered from the various royal grants and warrants and letters patent relative thereto, and from the practice and usages of the officers of arms, extending without intermission over a period of some five or six hundred years. It is a matter for regret that so far no adequate treatise on the law and practice of heraldry in England has as yet appeared,* for the text books that we possess deal mainly with the grammar of heraldry. The individual officers of arms are attached to the King's household, and upon certain of them, viz., the Kings of Arms, amongst other responsibilities, devolves the duty of assigning coats-of-arms and other hereditary family emblems to such persons as obtain the Earl Marshal's warrant for that purpose. The officers of arms receive from the King's Privy Purse fixed salaries, which are now almost nominal,† so that their income is mainly derived from fees, and to a very large extent depends on their own individual industry and reputation as genealogists. The rights and duties of each officer rest on the letters patent granted to him individually by the Sovereign, from time to time, upon being created King, Herald or Pursuivant, as the case may be. The very existence of the College as a body corporate wholely depends on the King's pleasure, for if he ceased to create any more

* *The Right to Bear Arms*, by X., which has reached a second edition, contains copies of many documents relating to the history and constitution of the College and Officers of Arms in each of the three kingdoms.

† *E.g.*, the annual salary of a pursuivant of arms is only £13 19*s*.

officers of arms it would obviously come to an end, and at the same time it would cease to be possible, except by direct grant from the Crown, to create any more *nobiles minores* with hereditary coats-of-arms.

The question of what arms are lawful and descendible to the heir has several times been before the Courts of Law, chiefly in connection with disputes arising out of the provision sometimes met with in wills and settlements, under which it is directed that the successor shall assume the name and arms of the testator or the settlor. When it is shown that the arms used by the latter are bogus, *i.e.*, assumed by him *suo motu*, the clause is held to be inoperative, in other words, the Courts will refuse to recognise such coats as genuine. Moreover, it may be noted that baronetcies can only be conferred on gentlemen of coat armour, and the proposed baronet must show that he comes under that designation, which means that he must be possessed of a coat-of-arms such as will be accepted as lawful at Heralds' College. In such cases mere voluntary assumptions, whether by the applicant or his ancestors, are entirely disregarded, and the ultimate and only test is whether the arms rest on a grant or ancient allowance by the heralds at some Visitation.

To justify the right to an assumed coat, or to a bogus coat, or one to which no title, resting on grant or allowance, can be shown, it is not sufficient to allege that it was used at a time anterior to the incorporation of the Heralds' College, for, as already stated, that is merely an incident in the history of the heralds, and has nothing whatever to do with the right to bear arms.

Often it is alleged that a Heralds' College patent of arms is a grant which may be obtained by anyone on

payment of certain specified fees, the suggestion implied being that modern grants are worthless, as being readily purchasable by the man in the street for filthy lucre. Such, to those who know the practice of the College, is notoriously not the case, though there is no precisely defined rule as to whom arms may be granted or refused. The issue of a warrant by the Earl Marshal is purely a matter of grace, and each application is judged upon its merits. To persons in certain classes of society arms will be granted at once without question, to others with equal certainty they will be denied. It is no use complaining that there is no hard and fast rule when we are dealing with what is a matter of grace. We might just as well grumble at the haphazard creation of peers, baronets and knights.

Of late there has been put forward, and advocated with some show of energy, a theory that it is open to any man to adopt and use what arms seem good to him. Sir George Sitwell, who has investigated, with some minuteness, the meaning and origin of that rather obscure term "gentleman", suggests that in the middle ages it was synonymous with "freeman", and says that such did, without intervention of heralds, assume to themselves coat-armour, though he does not assert that they did, or could, create to themselves hereditary estates therein, such as would confer on their descendants the right to use the same coat as had been irregularly assumed by their ancestors. Obviously therefore, if such be the case, since now we are all free, there is clearly no obstacle to a crossing-sweeper taking to himself such a coat as—Gules, a pair of brooms in saltire covered with mud proper. After all, the crossing-sweeper, who buys his own broom, is a capitalist and his own master, and

not dependent on a yearly wage, like high-placed Government officials.

It may be that this view—that individuals can assume such arms as they please—has some basis for us nowadays in the fact that there is no positive enactment prohibiting any subject of the King, when no fraud is contemplated, from assuming or inventing for himself arms or honours such as his imagination may devise. No more serious harm than the general ridicule of his friends and neighbours would befall a man who advertised in *The Times* that he was Duke of London and Marquess of Fleet Street. But that assumption would give him no exclusive right to such a style, nor could he create any estate of inheritance therein, such as might descend as of right to his son. It would not give him any claim to admission to the House of Lords, nor, of course, any legal right to such an honour. The voluntary assumption of a coat-of-arms obviously stands on the same footing; and just as no length of prescription gives right to the title of Duke of London, so no prescription can avail in the case of arms, and long-continued usage through many generations is of no value in England when their validity comes to be prosaically examined, either by the College of Arms, or by the ordinary Courts of Law, for such purposes as the assumption of names and arms, or the creation of a baronet. We must remember that an individual cannot create for himself an estate of inheritance in the bogus arms he or his ancestors have assumed.

Put plainly, and treating it from a practical common-sense point of view, the use of a coat-of-arms is an implied intimation to the world at large that it is borne *lawfully*, and the uninitiated conclude that it is from

Heralds' College. Therefore, if it be not borne *by right*, its use is then, to all intent, a mere fraud on the world at large. The fraud may be, and often doubtless is, perpetrated in genuine ignorance, but all the same it remains a deceit. Of course it would be another matter if the user boldly proclaimed that he or his grandfather invented the arms, and made it clear that they were not derived from the Sovereign, directly or indirectly through the College of Arms. But such candour is unknown. If it be pointed out that the arms cannot be found at Heralds' College the rejoinder usually is an allegation that the College records are imperfect, or that the officials have carelessly omitted to record the coat. Yet nothing in the shape of evidence is ever adduced in support of the statement.

Free trade in armory or in the creation of titles is a proposition in favour of which a liberty-loving Briton might adduce many cogent arguments, but if every man is to be a law unto himself in such matters, it is evident that there must soon be an end of the science of armory, for of necessity it would soon become as nondescript, and as uninteresting, as the monograms with which we decorate or disfigure our note-paper.

So long, however, as the Sovereign grants titles, honours and arms, there must be some rules prescribing the mode by which they are to be granted and used. And as regards arms, with which we are now concerned, although it is easy to pick holes in the constitution and practice of Heralds' College, and equally easy to make suggestions for its amendment and reform, it is difficult to see what better authority could be devised than those officers who have existed as a chartered corporation for more than four centuries, and in fact as the authority in

armory without intermission for a far longer period—a period indeed whereof the memory of man runneth not to the contrary.

Those, however, who cannot obtain personal distinction from the recognised sources of honour, can console themselves by taking refuge in the Primrose League, Foresters, Oddfellows, Antediluvian Buffaloes and the like. There they will find honours awaiting them, distributed freely and, more or less, according to merit. And they will not be harassed by the disapproval of the Earl Marshal, or the wrath of Kings, Heralds, or Pursuivants, or any other effete survivals of a feudal system of honour.

It is worth while to realize that a certain analogy may be observed between the use of registered trade-marks and authorized coats-of-arms. The Registrar of Trade-marks will, for a trifling sum, record any device submitted to him, provided it complies with certain definite rules, one of which is that it must not be the same as a trade-mark already on the register, or a colourable imitation thereof. Once registered it becomes the absolute property of the applicant, and may be assigned to others as he may think fit. And anyone infringing this mark, or using a colourable imitation thereof, may be restrained by an injunction in Chancery. This may, in theory, be an infringement of the liberty of the subject, but in practice no harm results therefrom.

In the case of arms, there is not the same liberty for every one to adopt and register his home-made coat-of-arms, for coats-of-arms are not granted (whatever the popular idea may be) to all and sundry who apply for them, whilst their devolution is usually limited to the grantee's descendants according to certain prescribed

rules, and, unlike trade-marks, they are not assignable. Moreover, the arms granted must, like trade-marks, be absolutely distinct from any other coat-of-arms already recorded. Having regard to the nature of arms and their object, that of providing a distinctive symbol or family mark or emblem, it can only be regarded as a scandal that they should be openly pirated by persons having no better title to them than a similarity of surname, or, as often happens, not even possessing that very shadowy right. It is surely not too much to suggest that the legal owners of a coat-of-arms or, so to say, an hereditary family mark, should have the right of restraining by injunction in the Court of Chancery, or in the Court of Chivalry, those who infringe their privileges and their rights, for which they, or their ancestors, have paid certain fees to the national revenue, as well as to the College.*

In attacks upon the College of Arms much stress is laid upon such questions as the negligence of the officers in times past to keep their records with fulness and accuracy. It is obvious that such questions are in reality wholly irrelevant to the main issues, which are, *first*, What is the legal character of arms and the distinction between true and false arms? and *secondly*, Is the College of Arms the appropriate body for dealing therewith? All the same, it is obviously right that full attention should be drawn to any *lâches* or irregularities on the part of officers of arms.

Heralds' College is a public institution, and as such must expect public criticism. Of honest comment no one should be afraid.

* Perhaps if this point were tested it would be found that such a right does exist. Except, however, in Scotland, it seems to be obsolete or in abeyance.

It may be worth while, therefore, to examine some of the complaints which have of late years been put forward with much persistence. One complaint, that the heralds grant to new men the arms of ancient feudal families, must be met by a simple negation. It is not done. What has given colour to this notion is the practice followed when some one who has used arms to which he can show no right, asks for a grant of arms. As a rule, every effort is made to grant him arms as little dissimilar as may be possible to those he has been using in honest ignorance of his position, but, all the same, so many differences will be made as will render it quite certain to those who understand armory that they are not the same arms. If he were to show a very long user, extending over say a couple of centuries, of arms the same as those borne by another family of the same name, and if a probable (even if not proved) descent be shown from them, it is likely that the "differences" assigned to him will be less marked than in a case where the user is more recent and kinship very doubtful. Such grants are obviously new arms, and do not justify the assertion that it is customary to grant the insignia of ancient families to mere upstarts of the same name.

Another complaint frequently made is that the arms granted in recent years are usually irretrievably bad in their design, and that they betray unmistakably their modern origin. With the latter part of the complaint it is impossible to feel any sympathy, for the implied suggestion, that the heralds should deliberately minister to the vanity of Novissimus by granting him a sham antique coat-of-arms, is merely a fraudulent proposal. The one great merit of Victorian heraldry is the ease with which, as a rule, it is possible for the expert to date it. There

is, however, no gainsaying the statement that modern heraldry has often been, from the designer's point of view, hopelessly bad, mainly by reason of the number of minute changes and differences introduced, which too frequently crowd up the shield and disfigure the crest and thus defeat the object of an heraldic achievement, which, above everything, should aim at boldness and simplicity. It will usually be found that such cases mostly occur when a family has been using without right the arms of some other family. In such cases the heraldic authorities, determined that there shall be no mistake that the new grant is not the same as the coat-of-arms formerly used, insert so many minor changes and slight distinctions that the armorial effect too often is quite spoiled. If only the grantee would boldly face the position and be content with an entirely new coat-of-arms, he would, as a rule, avoid this complexity and obtain a reasonably simple achievement.

In preparing the design of a coat-of-arms, it must be remembered that there are usually three concerned, the grantee, the herald or pursuivant who puts forward the design, and the Kings of Arms who finally sanction it. When we remember that all heralds are not possessed of equally good heraldic taste, that applicants sometimes wish to perpetuate bogus coats, at other times to give their life history after the fashion of a modern bookplate, there is little need to be surprised that the results are occasionally, to put it mildly, unhappy. A debased taste in art was undoubtedly prevalent in the early Victorian era, and it would be too much to expect that heraldry should rise higher than the general artistic standard of the period.

Various remedies have been suggested to ensure that

coats-of-arms shall in their design exhibit better artistic taste than too often has been the case, amongst them being a proposal that the ultimate decision as to any new design shall be vested in the Chapter of the College. If there be anything more certain than another it is that a committee is about the worst possible authority for deciding points of taste, and there is no reason to believe that the corporate characteristics of a Chapter of the College would differ from those of any other committee. As already mentioned, under the present system a coat-of-arms is usually the joint result of deliberation between the applicant, the herald who puts forward the petition, and the Kings of Arms who have to sanction it. In this way a proposed coat may sometimes be spoilt, but the applicant can at least discuss his views with the herald who will submit them to the Kings of Arms. Hopeless indeed would be his plight had he to satisfy the individual idiosyncracies of the baker's dozen, or even the majority of them, of whom the College consists.

Yet another complaint was lately made, and even treated as a serious grievance, that the heralds declined in a certain grant to extend its limitations so as to include the second cousins of the grantee. Now the usual course is for a grant to be made to the grantee and his descendants. In some cases it is extended, *ex gratiâ*, so as to include the descendants of his father, and occasionally, as in the instance just mentioned, it will include the descendants of specified uncles. It is difficult to deal with such a complaint seriously, for if second cousins are to be included why not third and fourth cousins, and even more remote kindred? Indeed this occasional practice of including first cousins is quite generous enough, and it would perhaps be better to confine such

grants to a man and his brothers at most. It might be a point fitting for consideration whether some modification of fees should not be made in those few cases in which sets of first cousins on the same occasion seek to become armigerous. It would obviously be reasonable that the fees payable on a wide grant should be heavier than where the limitations are to a man and his descendants only.

Of late there has been an attempt to specially exalt arms which were borne in the middle ages, and whose use has survived to our own day. One writer, Mr. Joseph Foster, talks of arms "borne in the age of chivalry," though it would be hard indeed to define with any precision that vague period in the world's history, and says that no interference therewith by the College of Arms can be permitted. This proposition, of course, is merely a ninepin set up by that writer for the purpose, it may be presumed, of discrediting the College; for the idea that the officers of arms desire to interfere with any ancient coat lawfully borne is mere absurdity, since they have no such power, over either ancient or modern coats. Thus if some new man named Talbot came to the College with a claim to use the arms of Lord Shrewsbury, no officer would admit or certify his right thereto, until he had first proved a pedigree showing his descent from the house of Talbot. If he proved such a pedigree, his right to the Talbot arms would at once be recorded without hesitation, though he might be in rank but a mere labouring man. The possessor of a coat dating from the "age of chivalry" has no greater armorial or social privileges than he whose coat is a twentieth century grant. Obviously, greater prestige attaches to an ancient grant than to a new one, but it is merely "moral," and is, in fact,

a prestige similar to that of the premier duke and premier earl, who take precedence over junior creations. Any attempt to form an exclusive class or caste of feudal gentry is much to be deprecated, for it is opposed to the whole spirit of heraldry, which is a living science, and far more concerned with the twentieth century than with the archaic survivals of the fifteenth.

The advocates of legality in the use of arms generally state that only those coats are regular and genuine which are on record at Heralds' College. Broadly speaking this is the case, and no amount of prattle about arms borne by tradition or prescription can alter that simple position. One writer who challenges that proposition replies that the records of the College of Arms are not conclusive, alleging that there exist many grants which are not on record at the College, though without furnishing any evidence in support of the assertion, while it is also said that descendants of those who carried armorial ensigns at the Battle of Agincourt are entitled thereto, without further proof or grant. But all this is merely of academic interest. The ordinary citizen need not trouble himself about the heroes of Agincourt, for few indeed there be who can deduce their descent from them, and as to unrecorded grants, the happy possessor of such may rest content in the knowledge that he has a good title thereto, and that his rights depend on the grant and are not lost by any possible imperfections in the heralds' register. If his unrecorded grant be genuine it would be admitted by the officers of arms, and would be recorded at once in their books, and doubtless free of all charge to the applicant. It is hardly worth while to seriously combat the suggestion that because the College has perchance omitted to record some coats, there exists a presumption

that others are genuine when their users can show no title whatever thereto.

It is right enough to reprobate any negligences of the College in failing to record arms which may have been granted in times past. But what are we to think of the negligence of the family which fails to take ordinary care of its patent of arms, and cannot produce it, or any evidence of its existence, when the authenticity of the arms used is called in question?

To the question of prescriptive usage as applied to coats-of-arms, an anonymous writer in the *Ancestor* has lately devoted some attention, and he quotes a letter (which he evidently regards as conclusive authority) of Sir William Dugdale, written in 1668. That famous Garter, writing to a herald painter, states of a certain claim to arms that he would allow it if the arms had been used "from the beginning of Elizabeth's reign or about that date, for our directions* are limiting us to do so, and not a shorter prescription of usage." This anonymous writer, commenting thereon, states, and even italicizes his statement, "that this prescription was under a hundred years," an evident arithmetical oversight on his part, for which it would be unkind to reprimand him in the acidulous manner now too common with heraldic writers.

The question of prescription, however, cannot be settled by an *obiter dictum* of even so famous a genealogist as was Sir William Dugdale, whose authority on the point is certainly no greater than that of his distinguished

* Even if Dugdale had received such "directions", which could only emanate from the Earl Marshal or the King himself, it would still be requisite to show that they continued binding on his successors, or that such directions were from time to time renewed.

successor, Sir Albert Woods, who has the experience and practice of some two hundred years more to serve as his guide. It would be more to the point to find out what authority Sir William had for setting up this prescription of a hundred years. Probably he had none, and that in following this rule of a hundred years, he by a good-natured laxity set up inferentially, in support of the prescription claimed, a "lost grant", a favourite legal fiction. The period of prescription, except when explicitly altered by statute, is the constantly-receding date of the first year of the reign of King Richard the First, a date at which heraldry was still in the embryonic stage. If it be suggested that custom is law in the matter, and that an isolated *obiter dictum* of a seventeenth century Garter, addressed in an unofficial letter to a mere herald painter, is sufficient evidence of such a custom—then it may be replied that customs may become obsolete, and that the long-settled practice of the modern kings of arms may be a better and safer heraldic guide than any of the doings of Sir William Dugdale. It is strange that the *Ancestor*, whilst rejecting the puerile pedantries of Elizabethan heralds, is willing to accept the irregularities of a seventeenth century Garter. Put briefly, the position is this: Would the High Court of Justice issue a mandamus to Heralds' College compelling the officers of arms to accept and record armorial bearings the claim to which is based on mere prescriptive usage? If not, then, *cadit quæstio*. "Prescription," after all, is a legal rather than an heraldic question, and as applied to coats-of-arms it is to be discussed in the same way as we should discuss "prescription" as affecting titles of honour.

Probably the greatest deterrent to the use of bogus arms would be the publication of a list of all known

grants of arms, with an intimation that only those were entitled to use them who either were themselves grantees or who could show descent from a grantee in accordance with the limitations of the respective patents. Something of the sort for Scotland has been done by the present Lyon King, in his "Ordinary of Scottish Arms", which has reached a second edition. In England, where arms are far more numerous, and with records dating back to a much earlier period than is the case in Scotland, such a register would be a much more serious task to undertake. Still a start might be made by printing a list of those who have recorded arms during the last 250 years, leaving the arms granted at an earlier date, or allowed at the visitations, to be calendared separately. Perhaps the main objection to such a course would come from some of those who have but recently acquired arms, but that would be no sufficient reason against it, and as a matter of fact no protest has been made against the publication of Lyon's list, which includes the names of grantees down to the date of issue. Similarly, it might be expedient to publish officially the lists of "disclaimers"* at the various heraldic visitations, though it would be chiefly of antiquarian interest, since in many cases the descendants of "disclaimed" persons are now armigerous.

The allegation, recently put forward, that arms have been granted to a pill-making chemist, to a door-mat dealer, and to the late Mr. Barney Barnato, has been made with the evident intention of disparaging the grants made at the College of Arms, the obvious innuendo being the illnatured one, that those persons, even when

* An unofficial list of Disclaimers was printed a few years ago by Mr. J. P. Rylands.

holding the status of magistrate, are not sufficiently respectable to be admitted to the same rank of gentry as those using arms which date "from the age of chivalry". It is passing strange that such a complaint should be made at the present day, and it shows that the heralds are more truly democratic and more reasonable than their critics. It would, indeed, be a misfortune to the country if the theory that a man of humble origin should for ever be debarred from raising himself in the social scale (even if no higher than is implied by a grant of arms), when by his industry he has attained such a position as to justify the use of armorial bearings, should ever receive general support, or should be approved in any responsible circle.

What in heraldic practice has often been much criticised, is the fact that whilst some *novus homo* who, or whose father, sprang from humble origin, may become a gentleman of coat-armour, there are many wealthy and educated families who have held "county" rank for a century, or even longer, and yet are "no gentlemen", and in the technical language of the heralds are "ignoble". Whatever may have once been the case, with the meanings now attached to the words "gentleman" and "ignoble", it is obviously impossible to now apply those terms with the restrictive meanings of the 16th century heraldic writers. It would, of course, be a pedantic impertinence to refuse the style of "gentleman" to, say, a judge, a bishop, or a general in the army, or to dub all such "ignoble" merely because they do not possess coats-of-arms. There are "gentlemen" and "gentlemen of coat-armour." And this distinction in practice agrees with the custom of the kings of arms, who in their grants frequently style as "gentlemen" persons who never possessed coat-armour,

and certainly it may be taken to be in accordance with courtesy and common-sense. If, however, "county families" are content to rest without any hereditary family emblems, as we may style coats-of-arms, it is a matter which concerns them alone. But in such cases we may at least expect them to abstain from flaunting before us sham crests or bogus coats-of-arms.

There are, no doubt, many little points on which the present practice of the College of Arms might be usefully varied. For instance, it is difficult to see why grants of arms should not be gazetted in the *London Gazette* like other dignities. Possibly some few grantees might not like it, as it would, of course, imply that they were new men, or that the arms that they had hitherto used were unauthorized or merely bogus. But the desires of those who wish, if such there be, to impose on their friends and neighbours by figuring as ancient gentry when they are in truth modern, need not, one would think, be taken seriously.

It may also be asked whether there be any reason why the College of Arms should not be the office wherein to record the recipients of all honours given by the Sovereign, whether peerages or such simple decorations as a mere V.D., and also the devolutions of hereditary titles.

Another useful heraldic reform would be to prescribe that all peers and baronets, on succeeding to their titles, should enter their pedigrees at the College of Arms, showing the derivation of their titles from their predecessors. To those in the direct line this could scarcely be a hardship, for it would usually mean little more than the production of a couple of certificates and an affidavit or declaration of identity. For collaterals it might some-

times be a considerable expense; but after all, a gentleman who wished to become a peer or a baronet, merely at the cost of proving his pedigree, might well consider that he had obtained his honour cheaply. He need not assume the dignity unless he wished, but, if he did so desire, it is surely not too much to expect that he should be able to prove that he has a right to the title. Such a regulation, if feasible, would do much to stop the pretensions of bogus baronets, which of late have become a scandal.

Further, as coats-of-arms are hereditary honours emanating from the Crown, it may fairly be suggested that corporations and individuals holding official positions should not be allowed to use coat-armour unless they can show that they are entitled thereto. Such a regulation would prevent the absurdity, seen a few years ago, of a member of the Corporation of London flaunting as his own, in a civic procession, the arms of Egerton, on the very insufficient allegation that they belonged to an ancestor in the female line. Those holding official positions under the Crown should certainly be debarred from using arms which are obviously in contempt of the royal prerogative. No compulsion, of course, should be used to induce such persons to take out grants of arms, the use or expense of which might be distasteful to them, but the duty might well be thrown on Heralds' College of informing all, such as sheriffs or mayors, on their appointment, that they must not presume to use arms in their official capacities without first obtaining a grant, or showing that they already possess the right. Especially should this notice be given to the numerous corporations which, fungus-like, have sprung up within the last few years. They are as great offenders as individuals, and with much less inducement.

In Tudor times, short and drastic were the methods adopted by the heralds with regard to bogus coats-of-arms, for they did not hesitate to deface them when found affixed to monuments, or otherwise made use of in a public manner. Such high-handed proceedings happily would not be possible at the present day, but the same end—their disuse—can be attained by other means. One would be, as already suggested, the official publication of lists of grantees during the last 250 years. Another would be to make clear the right of the owner of a coat-of-arms to obtain an injunction against a wrongful user; and lastly, as just suggested, to deny the use of coat-armour to corporations or individuals in official positions without first showing right thereto, of which obviously the simplest mode would be to produce a certificate from the College of Arms, or from Lyon or Ulster's office, as the case might be.

After all, heraldry is still a matter of twentieth century interest, and the subject should be dealt with in accordance with the dictates of twentieth century commonsense. We can discard largely the pedantic rules of Elizabethan writers, though we need not follow the bald blazonry of the Middle Ages, any more than we should expect a modern poet, who avoided the Latinisms of the Renaissance, to follow the primitive diction of Geoffrey Chaucer. We must recognize that unless heraldry is to become mere chaos, armorial bearings must be borne according to rule, and that no rule is so convenient as that which recognises that lawful arms are those which rest on grants from the Sovereign through his authorized officers. In a word, let all arms, whether ancient or modern, be confined to those whom old records and the long practice of centuries show to be properly entitled thereto; and let

us advocate simplicity as far as possible in coats-of-arms and the rules governing them, even though that desire is to be tempered by the knowledge that the science of armory in our day must be more intricate than it was in its early history, five hundred years ago. Finally, those who wish to play the game of Heraldry may fairly be asked to play according to the rules, and what those rules are can be best learnt from the officers of arms and the judgments of the Courts of Law.

March, 1903.